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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/937,276	09/24/2001	Jean-Pierre Senet	BA-22788	9561

178            7590            06/10/2003

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[REDACTED] EXAMINER

KILLOS, PAUL J

[REDACTED] ART UNIT      [REDACTED] PAPER NUMBER

1625

DATE MAILED: 06/10/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.



## UNITED STATES DEPARTMENT OF COMMERCE

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SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER \_\_\_\_\_

ART UNIT \_\_\_\_\_ PAPER NUMBER \_\_\_\_\_

DATE MAILED:

This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

This application has been examined       Responsive to communication filed on \_\_\_\_\_       This action is made final.  
A shortened statutory period for response to this action is set to expire Three month(s), \_\_\_\_\_ days from the date of this letter.  
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

## Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1.  Notice of References Cited by Examiner, PTO-892.
2.  Notice of Draftsman's Patent Drawing Review, PTO-948.
3.  Notice of Art Cited by Applicant, PTO-1449.
4.  Notice of Informal Patent Application, PTO-152.
5.  Information on How to Effect Drawing Changes, PTO-1474.
6.  \_\_\_\_\_

## Part II SUMMARY OF ACTION

1.  Claims 19-47 (Rule 126) are pending in the application.  
Of the above, claims \_\_\_\_\_ are withdrawn from consideration.
2.  Claims \_\_\_\_\_ have been cancelled.
3.  Claims \_\_\_\_\_ are allowed.
4.  Claims 19-22, 24, 25, 29-47 are rejected.
5.  Claims 23, 26-28 are objected to.
6.  Claims \_\_\_\_\_ are subject to restriction or election requirement.
7.  This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8.  Formal drawings are required in response to this Office action.
9.  The corrected or substitute drawings have been received on \_\_\_\_\_. Under 37 C.F.R. 1.84 these drawings are  acceptable;  not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10.  The proposed additional or substitute sheet(s) of drawings, filed on \_\_\_\_\_, has (have) been  approved by the examiner;  disapproved by the examiner (see explanation).
11.  The proposed drawing correction, filed \_\_\_\_\_ has been  approved;  disapproved (see explanation).
12.  Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has  been received  not been received \_\_\_\_\_; filed on \_\_\_\_\_.
13.  Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14.  Other \_\_\_\_\_

The claims are 19-47 (Rule 126) Initially claim 1-18 (now cancelled) was presented for examination.

**STATEMENT OF STATUTORY BASIS, 35 U.S.C. 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

**102(b), ACTIVITY MORE THAN ONE-YEAR PRIOR TO FILING**

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**REJECTION, 35 U.S.C. 102(b) PATENT OR PUBLICATION**

Claims 19-22, 24, 25, 39, 40-47 are rejected under 35 U.S.C. 102(B) as being anticipated by Aldrich P. E. et al, J. Org Chem. Vol. 29 no. 1, pages 11-15, January 1964.

Claims 29-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Fawcett, F.S et al, JACS vol. 84, no. 22 pg. 4275-4285 20 Nov. 1962.

**REJECTION 35 U.S.C. 112, 2<sup>ND</sup> PARAGRAPH, FAILURE TO PARTICULARLY POINT OUT AND DISTINCTLY CLAIM (INDEFINITE)**

Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**USE CLAIMS**

Claim 38 recites the limitation "carbonyl fluoride" in 38. There is insufficient antecedent basis for this limitation in the claim.

Claims 23, 26, 27, 28 are objected as being dependent on rejected claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul J Killos whose telephone number is 308-0135. The examiner can normally be reached on Tuesday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alan Rotman can be reached on 308-1701. The fax phone numbers for the organization where this application or proceeding is assigned are 308-4556 for regular communications and 308-4556 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1235.

Killos/LR  
June 4, 2003



PAUL J. KILLOS  
PRIMARY EXAMINER